

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE UNITED STATES OF AMERICA, :

-against- :

AFFIDAVIT

Ind. No.: 08 Cr. 429 (DLC)

CARLOS PICHARDO, :

Defendant. :

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CARLOS PICHARDO, being duly sworn, deposes and says:

1. That I am the captioned defendant and submit this affidavit in support of an application for the relief requested in the Notice of Motion, annexed hereto.

2. This affidavit was prepared for me by my attorney, was translated for me into Spanish, my native language, and does not contain each and every fact related to my arrest and interrogation.

4. At the time of my arrest on August 18, 2008, I was intoxicated. I do not recall whether or not I was advised of my "rights," but I would not have sufficiently understood them even if I was, because of my intoxicated condition. If I was advised of my rights, I have no idea what rights I was given.

5. The same situation is true with regard to my consent to search the telephone which was recovered from my car. I do not recall being asked for my permission to search the phone, and if I was asked, would not have sufficiently understood that I had a right to refuse to consent because of my intoxicated condition. Nor do I recall what was said to me before I supposedly consented.

WHEREFORE, it is respectfully requested that the relief requested in the Notice of Motion be in all respects granted.

Sworn to before me this 8th  
day of October, 2008

  
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CARLOS PICHARDO

*Signature taken by me, Deborah J Blum, Attorney at  
Law, on October 8<sup>th</sup>, 2008.*

*Deborah J Blum, Esq.*